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SUBJECT: FEDERAL LEGISLATIVE UPDATE

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POLICY ISSUE: Congress, the Administration, and federal agencies each year approve actions that impact the City in a broad range of areas. Staff may recommend, and/or Council may wish to direct, communication to the City's Congressional delegation on a range of issues throughout the year.

DIRECTION NEEDED FROM COUNCIL: This briefing provides information on the current activities of Congress. The information comes from a report provided by federal lobbyist Vicki Cram.

BACKGROUND:

Congress returned from its five-week state/district work period to a full plate of pressing legislative concerns and a very different legislative landscape. Congress found itself consumed with a foreign relations issues—Syria—that took some of the focus off domestic and fiscal issues. These issues include adopting FY 2014 appropriations to prevent a government shutdown and the need to increase the federal debt limit.

FY 2014 Appropriations

After conservative House Republicans rejected the short-term FY 2014 Continuing Resolution (H. J. Res 59) introduced by House Republican leaders, the House must go back to square one this week and come up with another near-term funding solution, as a government shutdown looms at the end of the month.

House conservatives rejected the last proposal because, although it included a provision that would have defunded the Affordable Care Act ("Obamacare"), that provision was non-binding. While the House bill would have forced a Senate vote (or filibuster) on the healthcare provision, the most likely end result was removal of the provision and enactment of a clean Continuing Resolution (CR). A number of alternative proposals surfaced, including one from the House Republican Study Committee that would delay Obamacare for one year and use those savings to offset the next round of sequestration cuts. Senate Majority Leader Harry Reid (D-NV) called this proposal a non-starter in the Senate.

Meanwhile, House Budget Committee Ranking Member Chris Van Hollen (D-MD) introduced an alternative CR that would fund the government through November 15 at a non-sequester level of \$1.058 trillion through a combination of spending cuts and tax break limitations. As with prior Democratic sequester replacement bills, this is not likely to advance in the House.

Debt Ceiling

Congressional leaders began discussions on how to approach an increase in the nation's borrowing authority, which is currently projected to be required by October 18. While both sides summarized the meeting using terms such as "respectful" and "constructive," neither party is willing to budge from its philosophical differences. Republicans are pushing to incorporate broader deficit reduction and a final resolution of the FY 2014 budget with any debt ceiling agreement, while the President—who was not represented at the meeting—continues to advocate for an unconditional debt ceiling increase.

Climate Change

Chairman Ed Whitfield (R-KY) of the House Energy and Commerce Committee, Subcommittee on Energy and Power, issued invitations to the administrators of 13 agencies to testify at a hearing on September 18, titled "The Obama Administration's Climate Change Policies." The hearing will be convened by the Subcommittee on Energy and Power, and invited agencies include the Environmental Protection Agency (EPA), Department of Health and Human Services, Department of Agriculture, Department of the Interior, Department of Transportation, Department of Defense, Department of State, U.S. Agency for International Development, Export-Import Bank, National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. Among others, Secretary Ernest Moniz of the Department of Energy, and Administrator Gina McCarthy of the EPA, have agreed to testify.

The Committee has not held a hearing on climate change for some time despite requests from the Democratic side to do so. This hearing will be the first time that the Administration will testify on the President's climate action plan since its unveiling in June. The Administration has been asked to respond to nine questions concerning how each agency devotes its time, money and resources to climate change policies. It is expected that the testimony of EPA will draw the most attention as the EPA's regulations are the centerpiece of the Administration's climate plan. On the docket currently at EPA are draft rules for controlling greenhouse gas emissions from new power plants. The hearing also is expected to touch on the science underpinning global climate change. Recently the United Nations Intergovernmental Panel on Climate Change (IPCC), which is the primary guide countries use when deciding how to confront climate change, asserts that they are 95 percent certain that human activity and, in particular the burning of fossil fuels, is the biggest cause of global warming since the 1950s.

WRDA Reauthorization

On September 11 the House Transportation and Infrastructure Committee unveiled the Water Resources Reform and Development Act (WRDA) of 2013. The WRDA authorizes projects and details policies regarding waterways navigation (rivers and ports), flood control, and environmental restoration. This bill is important to many Northwest interests because of its impact on ports, flooding and rivers. The bi-partisan bill lists Chairman Bill Shuster (R-PA), Ranking Member Nick Rahall (D-WV), Water Resources Subcommittee Chairman Bob Gibbs (R-OH), and Subcommittee Ranking Member Tim Bishop (D-NY) as the original sponsors. The bill contains no earmarks, sets up a new process for project authorizations in light of the earmark ban, and makes extensive reforms to streamline and expedite the Army Corps project development process, including allowing local sponsors to make greater use of local funding to carry out authorized projects in advance of federal financial participation. The House

Transportation and Infrastructure Committee is planning to mark up WRDA and take it to the Floor the week of October 7.

Farm Bill

The House will consider the Nutrition Reform and Work Opportunity Act, most likely under a closed rule, after a recent effort aggressively whipping votes in support of the bill. There are fairly serious concerns about getting the majority 218 votes needed, as some Republicans find the proposed \$40 billion in Supplemental Nutrition Assistance Program (SNAP) cuts to be too steep. If 17 Republicans vote against the bill, it will fail. Democrats are expected to vote against the bill as a united front with Rep. Marcia Fudge (D-OH) managing the bill for the Democrats. Rep. Fudge has vowed to fight the bill. Additionally, the Administration has weighed in, with Secretary of Agriculture Tom Vilsack stating that he hopes the bill fails and further that it would not survive a Presidential veto.

Should the Nutrition Reform and Work Opportunity Act pass, we can most likely expect a one-to two-year extension of the Farm Bill. First, Senate Agriculture Committee Chairwoman Debbie Stabenow (D-MI) has already indicated that the \$40 billion in cuts will serve as a deal-breaker in negotiations, as the Senate will only accept cuts in the \$4 to \$10 billion range. Second, should a bill come out of conference with SNAP cuts falling within the Senate's "acceptable" range, it will not likely pass the House—even with Democratic votes—because the first Farm Bill defeated in the House included \$21 billion in SNAP cuts. Third, the Chairwoman has also made clear that conferencing will result in an "all or nothing" bill, meaning that a conferenced Farm Bill must include both agriculture and nutrition titles. Therefore, the Senate will not pass an "agriculture-only" Farm Bill. Whether the bill passes, House leadership has indicated that it will appoint Farm Bill conferees after October 1.

Nuclear Waste Policy

On September 10, the House Energy and Commerce Committee held a hearing regarding spent nuclear waste titled "Implementing the Nuclear Waste Policy Act – Next Steps." During the hearing, Nuclear Regulatory Commission (NRC) Chairman Allison M. MacFarlane announced a tentative plan to comply with an order issued by the U.S. Court of Appeals for the District of Columbia Circuit, which forced the NRC to complete its safety review on Yucca Mountain. Chairman MacFarlane also announced that she will not recuse herself from the Yucca Mountain proceeding—rejecting a request filed by a county government in Nevada that supports the Yucca Mountain proposal.

ALTERNATIVES: N/A

RECOMMENDATION: N/A

ATTACHMENTS: N/A